AMENDMENTS TO THE CLAIMS

This listing of claims will replace all prior versions, and listings, of claims in the application:

1-42.   (Canceled)

43. (Currently Amended)   A device for providing a text related to an image in a record, comprising:

a microprocessor;

a library of stored images drawn from previously produced records, wherein generally similar stored images depicting similar elements across different previously produced records are grouped together; and

a library of stored texts, wherein each of the stored texts is associated with ~~at least~~ one group of ~~the~~ stored images;

wherein, upon receipt of a new image, the microprocessor compares the new image to the stored images, and selects for inclusion in the ~~a medical~~ record the stored text associated with the group of the stored image that is most similar to the new image.

44. (Previously presented)   The device of claim 43, wherein the new image, stored images and stored texts are digital.

45. (Previously Presented)   The device of claim 44, wherein the microprocessor uses digital image recognition to identify the one of the stored images that is most similar to the new image.

46. (Previously Presented)   The device of claim 43, wherein, when no stored image is similar to the new image, the microprocessor generates a signal to indicate that no match has been identified for the new image.

47. (Currently Amended)   A device for producing a text for use in a record concerning a procedure, comprising:

a library of stored images drawn from past procedures, wherein generally similar stored images depicting similar steps or actions from different past procedures are grouped together;

a library of stored texts, each of the groups of stored images being associated with at least a portion of one of the stored texts;

a microprocessor[[;]],

wherein, upon receipt of a new image, the microprocessor compares the new image to the stored images,[[;]]

and, based on the comparison, selects for inclusion in the a medical record concerning a procedure the portion of one of the stored texts associated with the group of the stored image that is most similar to the new image into [[a]] the record concerning a procedure.

48. (Previously Presented) The device of claim 47, wherein the procedure is a surgical procedure and the past procedures are past surgical procedures.

49. (Previously Presented) The device of claim 47, wherein the new image is compared with the stored images using digital image recognition.

50. (Previously Presented) The device of claim 47, wherein the new image is a real-time image.

51. (Currently Amended) An apparatus for producing a record comprising:

means for storing a plurality of images and a plurality of texts from previous records, and grouping generally similar stored images depicting similar elements from separate previous records, at least a portion of each stored text being associated with one of the groups stored images;

means for comparing a new image to the stored images using digital image recognition to identify one or more stored images that are most similar to the new image; and

means for creating a record by including the stored text associated with the group of the identified stored image in the record.

52. (Previously Presented) The apparatus of claim 51, wherein the stored text included in the record is descriptive of the new image.

53. (Original) The apparatus of claim 51, further comprising means for digitizing the images.

54. (Original) The apparatus of claim 51, further comprising means for communicating the images and texts.

55. (Original) The apparatus of claim 51, wherein the images depict aspects of medical procedures.

56. (Currently Amended)   A method of providing a medical record comprising the steps of:

    capturing [[a]] <u>one or more</u> library video image<u>s</u> of a medical procedure <u>to form a group of library video images depicting similar steps of similar medical procedures</u>;

    processing the <u>group of</u> library video image<u>s</u> to provide a <u>group of</u> library digital image<u>s corresponding to the library video images</u>;

    <u>associating</u> ~~creating~~ a text description ~~associated~~ with the <u>group of</u> library digital image<u>s</u>;

    capturing an outside video image of an outside medical procedure and processing the outside video image to provide an outside digital image; and

    comparing the library digital image and the outside digital image, wherein the text description associated with <u>the group comprising</u> the library digital image most similar to the outside digital image is selected for inclusion in a medical record.

57. (Currently Amended)   The method of claim 56, wherein a plurality of <u>grouped</u> library video images and respective <u>grouped</u> library digital image signals and text descriptions are captured, processed, and <u>associated</u> ~~created~~.

58. (Currently Amended)   The method of claim 57, wherein the <u>grouped</u> library digital image signals and text descriptions comprise an electronically accessible database.

59-74. (Canceled)

-4-

75. (Previously Presented)   A method of creating a record comprising the steps of:

forming groups of library images, each group depicting a portion of a procedure;

forming a group of library texts describing the procedure, wherein each of the library texts forming the group of library texts corresponds to one of the portions of a procedure;

providing an outside image of a procedure;

comparing the outside image to the groups of library images;

selecting an image or group of images from the library images that are most similar to the outside image;

selecting the library text corresponding to the portion of the procedure corresponding with the selected library image; and

inserting the selected library text into a document to create a record.

76. (Original)   The method of claim 75, wherein the library images and the library texts are digital.

77. (Original)   The method of claim 76, wherein the outside image is digital.

78. (Original)   The method of claim 77, wherein the steps of selecting an image and selecting the library text are accomplished by a microprocessor.

79. (Previously Presented) The method of claim 75, wherein the most similar library image is selected using digital image recognition.

80. (Previously Presented) The method of claim 75, wherein the record created is a medical record.

81. (Currently Amended) A computer-readable medium encoded with a computer program code for providing a medical record, the program code causing a computer to perform the steps of:

creating a library of stored images, wherein generally similar stored images depicting the same elements from different medical records are grouped together;

creating a library of stored texts, wherein each of the stored texts is associated with ~~at least~~ one of the groups of stored images;

receiving a new image;

comparing the new image to the stored images using digital image recognition to identify the one or more stored images that are most similar to the new image; and

when the most similar one or more stored images are identified, selecting for inclusion in a medical record the stored text associated with the group of the identified stored image.

82. (Previously Presented)   The method of claim 81, wherein the new image, stored images and stored texts are digital.

83. (Previously Presented)   The method of claim 81, further comprising the step of: generating a signal to indicate that no match has been identified for the new image when none of the stored images are similar to the new image.

84. (Cancelled)

85. (New)   A method of providing a medical record, comprising:

capturing a video image of a medical procedure;

processing the video image to provide a new digital image signal;

comparing the new digital image signal to a digital image signal from at least one previously captured video image associated with a group, wherein the group is associate with a previously created text description;

selecting the previously created text description to become at least a portion of the medical record if the new digital image signal is similar to the at least one digital image signal from a previously captured video image; and

providing an indication of dissimilarity if the new digital image signal is not similar to the digital image signal from any of the previously captured video images.

86. (New)   The method of claim 85, wherein the previously captured video image is from a previously performed medical procedure.

87. (New)   The method of claim 85, wherein the indication of dissimilarity is a warning signal.

88. (New)   The method of claim 85, wherein the at least one previously captured video image and previously created text are stored in an electronically accessible database, and further comprising:

  storing the new digital video image and a text description of the new digital video image in the database.

89. (New)   The device of claim 43, wherein the microprocessor generates the record.